

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

JOHN ALBERT MILLER, IV

\*

Plaintiff

\*

v.

\*

Civil Action No. JKB-11-809

MARYLAND DIVISION OF CORRECTION \*

Defendant

\*

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**MEMORANDUM**

Pending is plaintiff's supplemental complaint filed pursuant to this court's order requiring him to provide a list of individual defendants whom he holds responsible for the harms alleged.<sup>1</sup> ECF No. 3 and 4.

The supplemental complaint names as defendants: unknown former Commissioners of Correction, unknown former directors of case management services, unknown former wardens of Maryland Correctional Adjustment Center (MCAC), unknown former managers in case management services, unknown former case management specialists, and custodian of records for Maryland Division of Correction. ECF No. 4 at pp. 1–3. The only identifying information provided pertains to the dates, February 4, 2004, through July 6, 2009,<sup>2</sup> during which plaintiff remained confined to death row after his capital sentence was vacated by the Maryland Court of Appeals. *Id.*

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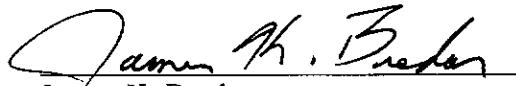
<sup>1</sup> Plaintiff was advised that the Maryland Division of Correction is not a person within the meaning of 42 U.S.C. § 1983 and that failure to provide the names of individual correctional employees would result in dismissal of the complaint.

<sup>2</sup> Any claims concerning conduct which occurred before March 28, 2008, or three years prior to the filing of the complaint, are time-barred. The statute of limitations for complaints filed pursuant to 42 U.S.C. § 1983 is the applicable state statute for personal injury torts. *See Owens v. Okure*, 488 U.S. 235, 239 (1989). In Maryland, the statute of limitations is three years from the date of the occurrence. *See Md. Code Ann., Cts. & Jud. Proc. § 5-101.*

The complaint must be dismissed without prejudice because plaintiff has failed to provide the court with the names of correctional employees whom he alleges violated his constitutional rights. A separate order follows.

April 29, 2011

Date



James K. Bredar  
United States District Judge